

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	
	)	
	)	Case No. 1:09-cr-80
v.	)	MATTICE / LEE
	)	
	)	
STANLEY STEWART	)	
	)	

**ORDER**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw his not guilty plea to Count One of the six-count Indictment (2) accept Defendant's plea of guilty to the lesser included offense of the charge in Count One, that is of conspiracy to manufacture, distribute, and possession with intent to distribute methamphetamine. a Schedule II controlled substance in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C); (3) adjudicate Defendant guilty of the lesser included offense of the charge in Count One, that is of conspiracy to manufacture, distribute, and possession with intent to distribute methamphetamine. a Schedule II controlled substance in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C); (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. 16]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court

agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 16] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One of the Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to the lesser included offense of the charge in Count One, that is of conspiracy to manufacture, distribute, and possession with intent to distribute methamphetamine. a Schedule II controlled substance in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C) is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the lesser included offense of the charge in Count One, that is of conspiracy to manufacture, distribute, and possession with intent to distribute methamphetamine. a Schedule II controlled substance in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C);
- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
- (5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **November 30, 2009 at 10:30 a.m.** before the Honorable Harry S. Mattice, Jr.

**SO ORDERED.**

**ENTER:**

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE